

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cr231

UNITED STATES OF AMERICA

vs.

STEPHEN DAVID WOOD

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se complaining about the calculation of his sentence by the Bureau of Prisons (BOP). (Doc. No. 15).

In the motion, the defendant seeks credit for time served in state custody before being released to federal authorities. He argues that the BOP's calculation of his sentence will cause him to spend more time in custody than ordered by the Court. An attack on the execution or length of a federal sentence must be brought in an action pursuant to 28 U.S.C. § 2241 in the district where an inmate is confined after exhaustion of administrative remedies. United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989). Here, the defendant is incarcerated at the Federal Medical Center Butner in the Eastern District of North Carolina. Accordingly, the Court is without jurisdiction to grant the requested relief.

IT IS, THEREFORE, ORDERED, that the defendant's motion (Doc. No. 15) is DENIED without prejudice to be brought in the appropriate district.

Signed: September 29, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

